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THE TRIAL OF *Thomas Smith*, AND *John Kennedy*, FOR A Highway Robbery,

COMMITTED

On the Body of *John Matthews*, in the Pariſh of *Rickmerſworth*, *Herts*, on *Sunday Evening* the 13*th* of *May* laſt.

AS ALSO,

A particular Account of the Circumſtances attending the diſcovery thereof, and of the Perſons of the Robbers.

UABRIDGE: Printed by T. LAKE, 1787.

THE TRYAL OF

Thomas Smith, and *John Kennedy*,

FOR

A Highway Robbery.

ON *Monday* the 14*th* day of *May* laſt, about four o'Clock in the Afternoon, as one William Shaw (and his Wife) were walking along the Turnpike Road by the ſide of a Wood, they heard a Groaning Noiſe therein, upon which Shaw looked into the Wood, and ſaw ſomething lay againſt a Tree, but he having been Robb'd near that Spot, by two Perſons ſome little time previous thereto; his Wife diſſuaded him from going into the Wood, they then Proceeded on towards *Charley Wood*, and in their Way thither, Shaw obſerved ſome Perſons Working in a Field, to whom he communicated what he had ſeen, and deſir'd of them to accompany him back to the Place, which they accordingly did, on their return

they found one Sarah Croſby, and another Woman ſtanding in the Road directly oppoſite the ſame Object, who had likewiſe heard the Noiſe, they then Ventur'd in, five Perſons in Number, where they found the Proſecutor John Matthews, bound Hands and Feet with ſtrong Cords, Naked except his Stockings, and his Body almoſt Covered with Blood, bent nearly double by the Tying, his hands being tied acroſs under his Hams, his Head leaning againſt a Tree, and almoſt Dead; a Debate took Place with the Men, as to the Propriety of Releaſing him, thinking they might come into Trouble, upon which Sarah Croſby very properly upbraided them for letting a fellow Creature lay in that Dreadful Situation, and took out of her Pocket a Knife and Immediately Cut the different Cords; Matthews's Hands on being Releaſed fell by his Side as tho' he had been Dead, they then Perceived and not before that he had a large flint Stone in his Mouth, which Shaw Wrenched out with a Stick, they then raiſed Matthews up, but found he could neither Stand nor move without their Aſſiſtance, a Jockey Cart coming by at the time he was put therein & ſent to the Pariſh Work-Houſe of *Rickmerſworth*, where he continued for four or five Days, the Monday Evening Mr. SWANNELL Attorney at *Rickmerſworth*, called at the Workhouſe with a View of hearing the Particulars from Matthews, how he came in the Situation above deſcribed, when Matthews

gave

gave an Account of the Robbery, and deſcribed the Perſons and Dreſs of the ROBBERS, but he being very Weak and Faint Mr. SWANNELL deſiſted aſking him further Queſtions till the Wedneſday Morning when he attended Matthews again, and took his Examination of which the following is an exact Copy

MAY 16th, 1787.

Examination of John Matthews, Aged 25 Years, who ſays he was born at *Markett Downham*, in the County of *Norfolk*, where his Father then did and now doth Reſide, and is a legal Pariſhioner there, that he this Examinant was put Apprentice to one John Orman of the ſame Place *Cordwainer*, for a Term of five Years, which Term he Serv'd and Work'd Journeyman with his ſaid Maſter for the ſpace of Twelve Months after the expiration thereof, then left his Maſter and went to *London*, and Work'd with one Mr Harriſon of *Little Tufton Street*, *Weſtminſter*; that he afterwards Travelled to *Briſtol*, and Work'd with Mr. John Clark of *Tucker Street*, for about three Quarters of a Year, when he was taken Ill, that he left *Briſtol* on Saturday Week laſt, came on to *Oxford*, *Thame*, *Long Crendon*, *Ayleſbury*, and *Cheſham*, enquiring as he came for Work, but could not get employ, that he left *Ayleſbury* on Sunday laſt about One o'Clock, and arrived at

Cheſham about Six o'Clock in the Evening, ſtopped at the Sign of the two Brewers and Drank one Pint of Beer, then ſet out for *Rickmerſworth*, ſays that he came thro' *Chenies* about Eight o'Clock, and that in coming along the Road to *Rickmerſworth*, with a ſmall Bundle under his Arm, containing two Shirts, two Pair of Stockings, and his Working Tools, two Men came out of the Wood adjoining the Road, the one before, and the other behind him, he ſays that one was Short and thick made, in a Sailors blue Jacket, and brown Trowſers, very Mean and Ragged, with dark Complexion, and dark Curl'd Hair, the other a tall thin Man with a brown Coat, and light Waiſtcoat, which appeared to him to be ſomething like Bed Ticking, with light Hair long and ſtrait, and he thought that the tall Man went rather Lame, ſays that the Sailor ſoon overtook him this Examinant, and enquired where he was going, and took hold of his bundle and looked into it, then aſked what Money he had, he ſaid but a Trifle, the Sailor then threw him down, and took the Money out of his Pocket, that he then aſked the Sailor to return him a trifle, which was refus'd with an Oath, they both then told him he ſhould fare Worſe, upon which the Sailor took hold of his Legs, and the tall Man took hold of his Arms, and dragged him into the adjoining Wood, where they ſtripped him Naked, except his Stockings,

and

and bound him Hands and Feet, then left him, in about Ten Minutes or a Quarter of an Hour afterwards he heard the Footſteps of ſome Perſons, Walking in the Road, upon which he halloo'd in hopes of bringing thoſe Perſons to his Aſſiſtance which reaching the Ears of the Robbers they Immediately returned to him, and told him they would prevent his hallooing again, that the Sailor then ſtruck him over the Mouth, and the tall Man ſtruck him over the Breaſt, and that the Sailor forced a flint Stone into his Mouth which he beat in with the Heel of his Shoe, whilſt the tall Man held him, when the Sailor ſaid "*ſay there Starve and be Damn'd*" then left him, and he further ſaith that they Robbed him of the following Property, Fourteen Shillings in ſilver, his Bundle, Coat, Waiſtcoat, Breeches, Shirt, Handkerchief, Buckles, and Hat, that his Coat was of a Chocolate Colour with Crimſon velvet Collar, Brown Cloth Waiſtcoat, with horn Buttons, Black Cloth Breeches with Baſket Buttons, and ſtrings at the Knees, Black Metal Buckles in his Shoes, and one of the Shoes had been Mended by ſetting a piece on the Side.

JOHN MATTHEWS.

Some Magiſtrates in the Neighbourhood of *Rickmerſworth*, having a deſire of getting the Par-

Particulars from Matthews of the Robbery and the Circumſtances attending it, cauſed him to be brought before them on the ſaid 16*th May*, being the ſame Day he had been Examined by *Mr. Swannell*, when he gave them an Account in every reſpect the ſame as herein before is ſet forth, which being very much to their Satisfaction, they recommended Matthews to a Cordwainer at *Watford*, (who employ'd him) in order that he might not be out of the Way in caſe the Robbers ſhould be Diſcovered.

The next Day *Thurſday*, one John Morris, Servant to Mr. Salter a Common Brewer at *Rickmerſworth*, went to the Wool Pack Inn, *Chepping Wycomb Bucks* with a Load of Beer, where he arrived about Seven o'Clock in the Morning, two Perſons where drinking there at that time in the Public Tap Room, and he having heard the deſcription of the Robbers by the Proſecutor, Immediately ſuſpected them to be the Perſons, and was Imprudent enough to declare thoſe his Suſpicions in their hearing without having the Preſence of Mind or Reſolution to Apprehend them, Smith had been Drinking four or five Glaſſes of Gin, and Kennedy, four or five Pints of Beer, they Immediately paid their Reckoning and not only left the Inn but the Town, and Travelled on towards *Oxford*; Morris returning home in the

the Evening and Mentioning the above Circumſtances was ſent for by Mr. Swannell, when he related the Particulars, and on comparing his deſcription of the Men, to that which Matthews had before given, found they Anſwer'd exactly, upon which Mr. Swannell, Mr. Caſſall, Mr. Ellinthorpe and Mr. Butler, agreed to go in Purſuit of them, they took Chaiſe and ſet out from *Rickmerſworth* about Eleven o'Clock the ſame Night, went to the ſaid Wool Pack Inn, when the Landlord Mr. Raffetty confirmed the whole of what Morris had related, and a Waiter then Informed the Perſons thus in Purſuit of them, that Mr. Ball a *Lace-Merchant*, of *Wycomb*, who had been at *Stoken Church* to Buy Lace had not only ſeen the two Men paſs thro' that Village but had converſed with them and threatened to have them Apprehended for their Ill Behaviour to many of his Cuſtomers, who complained to Mr Ball that they were Apprehenſive of being Robbed by them, however he after giving them a Reprimand ſuffer'd them to go on, it ſeems that they had been drinking freely in the courſe of the Day they having call'd for Liquor at almoſt every little Pot Houſe between *Wycomb* and *Tetſworth*, and it was oweing to this Information of the Waiters and of their Conduct on the Road being both Intoxicated and having abuſed many Perſons and alarmed others that they were come up with ſo expeditiouſly, by

the Perſons Purſuing them, they were Appre-hended by Three o'Clock next Morning Friday, at the *Crown Inn Tetsworth*, Sleeping in the Stall of a Stable, they were Immediately taken to the *Swan Inn* there and Searched but no Property belonging to the Proſecutor could be found, they had only three farthings in Money and a Claſp Knife.—Mr. Swannell now aſked them many Queſtions (having firſt Inform-ed them that he did not wiſh them to confeſs any Robbery they might have committed) he only wiſh'd them to give him a particular Account where they had been for ſome Days then paſt, and Particularly on the Sunday of the Robbery, to which Kennedy anſwered "We where begging at *Rickmerſworth* and got Two Shillings" (this decleration was made by Kennedy before he even knew where the Perſons apprehending him came from) however Smith Immediately Contradicted him, and ſaid "No we were at Mrs. Richardſon's who keeps a Lodging Houſe in George Street *Windſor*, and were there all the preceding Week, that he Smith was well known to this Mrs. Richardſon by the Name of Sailor Tom, and Kennedy was likewiſe known to her, Kennedy at firſt heſitated as to confirming this declaration of Smith's but after a time ſeemed equally Poſitive.—Mr. Swannell then obſerv'd that he had reliev'd them in the Road between *Rick-merſworth* and *Watford*, on the then Tueſday Week laſt,

laſt, which Kennedy acknowledged to be a fact, and that they had begg'd frequently in the Neighbourhood of *Rickmerſworth*, they ſaid further that they ſlept at the *Hare* at *Beaconſfield*, on the Monday Night 14*th May*, which was true as will appear hereafter.

They were brought to *Rickmerſworth* ſame Day, Friday, to the Swan Inn there, were the Proſecutor ſaw them, and immediately declared that they were the Perſons who had ſo Robbed and cruelly treated him, upon which they were taken before the Honourable *William Grimſton, Eſq;* who committed them to the County Goal of *Hertford* for Trial, - Matthews having firſt Sworn poſitively to their Perſons.

On Sunday the 20*th* of *May*, being the Sunday next after the Robbery, *Mr. Swannell* and *Mr. Caſſall* went to *Mrs. Richardſon's*, at *Windſor*, in order to know the truth of Kennedy and Smith's Aſſertions reſpecting her Houſe, to whom they deſcribed their Perſons and Dreſs in the minuteſt way poſſible, that of their being Iriſhmen, and Smith's declaration of *Sailor Tom*, deſired Mrs. Richardſon to be particular in her Recollection, as their Lives in ſome degree were in her Hands; when Mrs. Richardſon, her Daughter, and ſeveral other Perſons who conſtantly Lodge there, all ſolemnly declared that they knew no ſuch Perſons, and were all

equally poſitive that they did not ſleep there on the Sunday Night of the Robbery, or any other time in the preceding Week, that ſhe Mrs. Richardſon did not know any Man by the Name of *Sailor Tom*, and that had they ſlept at her Houſe ſhe muſt have known and recollected the Particulars. Mr. Swannell and Caffall on their way from *Windſor*, called at the *Hare* at *Beaconsfield*, and having deſcribed the Perſons of Kennedy and Smith, the Landlord recollected their having ſlept at his Houſe on the Monday Night preceding, ſaid that Kennedy came in firſt, ſat down and call'd for a Pint of Beer, ſoon after Smith came in and call'd for a Pint of Beer, that they did not even ſpeak to, or take the ſmalleſt Notice of each other, that Kennedy after drinking another Pint or two of Beer, aſk'd the Landlord for Lodging there, who told him he might have a Bed, ſoon after Smith aſk'd for Lodging, but the Landlord denied him, alledging that he did not think him fit to lay in a Bed, upon which Smith began to abuſe the Landlord, who threatned to ſend for a Conſtable and have him Smith taken into Cuſtody, when Kennedy acknowledged

ed (and not before) that Smith had been his Companion for ſome Months paſt, and that they had conſtantly ſlept together, that he Smith ſhould have part of his Kennedy's Bed, and they accordingly ſlept together there that Night.

Soon after this Enquiry had been made reſpecting the then Priſoners, it was thought equally neceſſary that the Character of the Proſecutor ſhould be likewiſe inveſtigated, he being an entire Stranger in this part of the Kingdom, application was then made to *Mr. Orman*, of *Market Downham*, the Perſon with whom *Matthews* ſerv'd his Apprenticeſhip, as ſtated in his Fxamination, and the following is an exact Copy of his Letter, in Anſwer.

Downham, Norfolk,

SIR *June 19th, 1787.*

John Matthews ſerv'd me 5 years and a half during his time he h haved with Diligence and Honeſty, his Father ſince his abſ nce is Dead and his Mother is living at Wiſbig in Cambridgeſhire, I am ſorry to hear of th Misfortune he has met with, But Sir I hop yo r Goodneſs will ſee him done Juſtice by, Th Young Man is well Reſpected by all

all that knew him he alſo lived 2 years with Captain Blythe, during the time he Gain'd great Favour and was well eſteem'd, he alſo Work'd at John Bonds in March in the Iſle of Ely he was always Eſteem'd for his Honeſty and Sobriety, I myſelf not being able to come I ſent this by John Brown Eſqrs. Servant which he promiſ'd me to bring it or ſend it from London by the direct Poſt, John Matthews, has on his left Thigh a very remarkable Mark, Sir I hope you will help him on his Way home as ſoon as things are over I am Sir with all due Reſpect Your moſt Obedient and

humble Servant

JOHN ORMAN.

To Mr. Swannell, Attorney at Law
Rickmerſworth Herts.

Some few days previous to the Trial, Smith cauſed to be wrote a Letter to Mrs. Richardſon, mentioning various Circumſtances which he ſaid happen'd at her Houſe on the Evening of the Robbery, and Mr. Caffall having Occaſion to go to *Windſor*, called on Mrs. Richardſon a ſecond time, when ſhe produced him the Letter and poſitively declared to him in the preſence of Mr. Frail of *Rickmerſworth*, that ſhe did not know of any one of the

the Circumſtances happening as mentioned, on the Contrary ſaid the whole was falſe, and thus much ſhe informed Smith by Letter.

On *Thurſday* the 19*th* day of *July* laſt, the Aſſizes were held at *Hertford*, in and for the County of *Hertford*, before *Mr. Serjeant Kemp*, (on the Crown ſide) before whom, Kennedy and Smith were Tried for the ſaid Robbery, when the Evidence produced againſt them was in ſubſtance as follows, and firſt

JOHN MATTHEWS the Poſecutor (being Sworn) declared that on Sunday the 13*th* of *May* laſt, between the Hours of 8 and 10 o'Clock in the Evening, he was Robb'd by the Priſoners at the Bar, Kennedy and Smith, of the Monies and Things mentioned in the Examination, which he particularly enumerated to the Court.

The Judge deſired him to look on the Priſoners, and be cautious in his Evidence.

He then turned round, look'd ſtedfaſtly at them and immediately declared to the Court that they were the Men who had Robbed and cruelly treated him, he then par-

particularized to the Court the Part each of them took in the Robbery, ſtripping, binding and Gagging him, by which it appear'd that Smith had been the moſt Active and Cruel of the two.

The Proſecutor at the time of his giving Teſtimony was interrupted by Kennedy, who ſaid "that you (meaning the Proſe-"cutor) will ſwear to any thing for the "lucre of a little Money," upon which the Judge obſerv'd that, that would come better in his Defence.

After the Proſecutor had gone thro' his Evidence, which he did in the cleareſt manner poſſible, and very much to the ſatisfaction of the Court, the Judge aſk'd the Priſoners, whether they or either of them, would aſk him any Queſtion.

Queſtion by Kennedy, "Did you ever "ſee us before we were Apprehended."

Anſwer by the Proſecutor, "Yes I ſaw "you both on Sunday Evening the 13*th* "of *May* laſt. between the Hours of 8 and "10 o'Clock, I wiſh I had not, it would "have been better for me."

WILLIAM SHAW, This Witneſs proved the finding the Proſecutor, his ſituation, and particularly his wrenching the Stone out of his Mouth with a Stick. He was aſk'd by the Judge his opinion of the Proſecutor at the time of his being releaſed, who ſaid that he believ'd he could not have lived long, had he not been found, being at that time almoſt Dead.

Queſtion to Shaw by Kennedy, "Did "you ever ſee us before the time of our "being brought to *Rickmerſworth*."

Anſwer, "No to the beſt of my know-"ledge nor then neither, I never recollect "ſeeing you before to Day."

SARAH CROSBY, This Witneſs proved her being preſent with Shaw, and going with him into the Wood to the Proſecutor, her releaſing him, and alſo gave a very minute and particular Account of his then Situation, of his Body being almoſt cover'd with dry blood, and of his not being able to ſtand or move after his being releaſed, &c.

The Judge put the ſame Queſtion to her as he had done to Shaw, and received an Anſwer to the ſame Effect.

Queſ-

Queſtion to Croſby by Kennedy, "Did "you ever ſee us before we were brought "to *Rickmerſworth.*"

Anſwer, "No I never ſee you till now, "nor I did not want to ſee you at all."

Mr. SWANNELL was next called, who gave a very particular Account of what paſſed between him and the Proſecutor, previous to the Apprehending of the Priſoners, and ſtated to the Court the deſcription of their Perſons and dreſs, as ſet down in the Examination taken by him the 16*th* of *May*, (when Kennedy was deſired to unbutton his Coat, and ſhew his Waiſtcoat to the Jury, which he did, it was a ſtriped Waiſtcoat of the bed-ticking kind, anſwer'd the deſcription that the Proſecutor had given before his Apprehenſion) *Mr. Swannell* then related to the Court, the intelligence he had received from the Brewer's Servant, his going in Purſuit of the Priſoners with the Perſons beforementioned, of what happened before their being Apprehended, of the Converſation that took place between them at that time, particularly as to Kennedy's acknow-

knowledging that he and Smith were begging at *Rickmerſworth*, on the Sunday of the Robbery, and getting 2*s*. of Smith's contradicting him, and declaring that they ſlept that Night and the preceding Week at Mrs. Richardſon's Lodging Houſe, and of his being known to her by the Name of *Sailor Tom*. This Witneſs then ſtated the Particulars of what had paſſed between him and Mrs. Richardſon, at the Lodging Houſe.

Queſtion by Kennedy to Mr. Swannell, "did you not ſay at the time of taking us "that any two would do"

Anſwer, "No I never made uſe of ſuch "an Expreſſion, I told the Priſoners that "they Anſwer'd the Deſcription I had of "them, and I Read ſuch Deſcription to "them.

Another *Queſtion* by Kennedy to the ſame, "did you ever ſee us before the time you took us"

Anſwer, "Yes I believe I have, am "almoſt certain that I met the Priſoners "between *Rickmerſworth* and *Watford*, on "the Tueſday Week before the Robbery,

"and

"and gave them Two-pence, and this "Kennedy acknowledged to me at the "time of their being Apprehended"

Mr. Caffall and *Mr. Butler*, whoſe Names likewiſe appear'd as Witneſſes on the Bill of Indictment, were not called, as the Judge did not think their Evidence at all neceſſary, as it would have gone no further than to have confirm'd the Teſtimony of the laſt Witneſs, the Evidence on the part of the Proſecution being gone through, the Judge called on the Priſoners for their Defence, and firſt,

John Kennedy ſaid, "I am Innocent, "I never Robbed Man, Woman, or Child "in my Life"

Then Smith likewiſe declared his Innocence and added, "By Jeſus Sir but I "ſlept at Mrs. Richardſon's that Night"

The Judge then aſked them whether they had any Body to call to their Characters.

Anſwer "No, we are Foreigners and "nobody to ſpeak for us"

The

The Judge then Sum'd up the Evidence in the cleareſt manner poſſible, and made his remarks on the whole, ſo that the Jury might perfectly underſtand it, in doing which he took great pains, and then left it for their Conſideration, who after duly conſidering the Evidence brought in their Verdict that Kennedy and Smith were both "GUILTY"

The Judge then Proceeded to Paſs Sentence of Death on them, having firſt obſerved that they had been found *Guilty* upon the cleareſt Evidence that he had ever heard given in a Court of Juſtice, he exhorted them to make a proper uſe of the ſmall Portion of time allotted them in this World, and that they would employ it in a Sincere Repentance and thereby make their Peace with an offended God, and not to flatter themſelves with the hopes of a Pardon, as the Crime of which they had been found Guilty was of ſuch a Nature as to require no Puniſhment Inferior to that of Death.

Immediately after Sentence of Death had been Pronounced on the Priſoners, the Grand Jury which conſiſted of

of many of the moſt reſpectable Character in the County, waited on the Judge, and after obſerving that many Robberies had been Committed in the Neighbourhood of *Rickmerſworth*, and other Places in the County, at a great Diſtance from *Hertford*, requeſted that the Judge would be pleaſed to Order their Execution as Speedy and as near the Spot as Poſſible, where they had Committed the Robbery, in Order that the ſame might be Notorious and that others might take Warning by the Public Example, to which the Judge with a Politeneſs which does him much Credit, Informed the Grand Jury that their requeſt ſhould be complied with in the fulleſt Extent.

After their Condemnation they were Viſited by the *Rev'd. Mr. Moore*, till within about two Days of their Execution, who took great Pains to bring them to a true Senſe of their Sins, but they paid very little or no Regard to his Doctrine, they being Roman Catholicks, a Prieſt of their own Perſuaſion attended them on the Day before their Execution, but whether they made any Confeſſion

to

to him it is Impoſſible to ſay, they were brought to the place appointed for their Execution. *Charley-Wood Common.* on *Friday* the 3*d* Day of *Auguſt*, Inſtant, Executed, and afterwards hung in Chains there on a Gibbet erected for that Purpoſe, It is thought upwards of *Ten Thouſand People* attended on this Melancholy Occaſion.

The only Account that we have been able to learn of the Priſoners is that they were born at *Coſhell*, in the County of *Tipperary*, in *Ireland*, had been brought up to the Seas, from whence they were Diſcharged at the Concluſion of the laſt War, ſince which they had been begging in different parts of this Kingdom, they made no Confeſſion of the Robbery when at the fatal Tree, Kennedy in particular Perſiſted in his Innocence to the very laſt Moment of his Life, how far *he* might be Juſtifiable in this Declaration it is Impoſſible to ſay, but its too much to be feared he went of the World with a Lie in *his* Mouth, it ſeems they did not Die in Friendſhip with each other Kennedy when

when about to addreſs the People was Deſired by Smith to hold his Tongue, and he even turned his back on him, the Prieſt ſoon afterwards got into the Cart, and ſpoke a few Words to them, they were then launched into Eternity to appear before that God who is the only certain Judge of their Guilt or Innocence.

Rickmerſworth, Auguſt 20th, 1787.

FINIS.